

Article - Environment

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§9–283.

(a) Except as provided in subsection (c) of this section, by regulation, the Department shall establish and collect a fee to be paid by a generator of coal combustion by-products, based on a per ton rate of coal combustion by-products generated by the generator annually.

(b) The Department shall base the fees on the following factors:

(1) The total annual tonnage of coal combustion by-products that the generator generates;

(2) The type and volume of coal combustion by-products generated by the generator;

(3) Whether the generator uses or disposes of the coal combustion by-products;

(4) To the extent that the coal combustion by-products are used rather than disposed of, the types of the uses;

(5) Whether the coal combustion by-products are transported for use or disposal out-of-state; and

(6) Other factors the Department considers appropriate.

(c) The Department may not establish or impose a fee on coal combustion by-products that are:

(1) Beneficially used, as the Department determines; or

(2) Used for coal mine reclamation in accordance with regulations the Department adopts or with regulations of the receiving state.

(d) Fees imposed on coal combustion by-products that are transported for use or disposal out-of-state may not exceed 50% of the fees established for disposal in-State.

(e) The fees collected by the Department under this section shall be deposited into the Fund and used in accordance with § 9–284 of this subtitle.

(f) The fees imposed shall be set at the rate necessary to implement the purposes set forth in § 9–284 of this subtitle.

(g) In any fiscal year, if the fee schedule established by the Department generates revenue that exceeds the amount necessary to operate a regulatory program to control the management of coal combustion by-products, the Department shall reduce the fees in the following fiscal year.

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